

## Message Text

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SUBJECT: Y.V. CHANDRACHUD APPOINTED CHIEF JUSTICE OF THE SUPREME COURT  
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1. THE GOI ANNOUNCED FEBRUARY 18 THAT IT HAS NOMINATED  
JUSTICE Y.V. CHANDRACHUD AS THE NEXT CHIEF JUSTICE OF  
THE SUPREME COURT. CHANDRACHUD IS TO BE SWORN IN ON  
FEBRUARY 22, WHEN THE PRESENT CHIEF JUSTICE, M.H. BEG,  
WILL RETIRE.

2. CHANDRACHUD IS THE MOST SENIOR JUSTICE ON THE  
SUPREME COURT. HIS APPOINTMENT THUS IS A RETURN TO THE  
PREVIOUS PRACTICE OF NAMING THE CHIEF JUSTICE ON THE  
BASIS OF SENIORITY. AS THE DATE OF BEG'S SCHEDULED  
RETIREMENT APPROACHED, THE QUESTION OF CHOOSING HIS  
SUCCESSOR INCREASINGLY OCCUPIED NATIONAL ATTENTION.  
IN THE TWO PREVIOUS INSTANCES (1973 AND JANUARY, 1977),  
MRS. GANDHI'S GOVERNMENT HAD PASSED OVER THOSE  
JUSTICES NEXT IN LINE OF SUCCESSION (I.E. BY  
SENIORITY) IN FAVOR OF ONES WHO WERE MORE  
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POLITICALLY "COMMITTED" TO HER REGIME. THIS  
PRODUCED STRONG PROTESTS FROM THE LEGAL COMMUNITY  
AND IN BOTH CASES THE PASSED OVER JUSTICES  
RESIGNED IN PROTEST. PRIME MINISTER DESAI AND  
LAW MINISTER SHANTI BHUSHAN REPORTEDLY FAVORED  
RETURNING TO THE SENIORITY PRINCIPLE IN CHOOSING  
BEG'S SUCCESSOR, AS EVIDENCE OF THE JANATA'S

COMMITMENT TO UNDOING THE MALPRACTICES OF MRS. GANDHI'S ERA. SEVERAL SENIOR JANATA FIGURES OPPOSED THIS ACTION, HOWEVER, ON THE GROUNDS THAT CHANDRACHUD WAS ONE OF THE JUSTICES WHO RULED AGAINST THE RIGHT OF HABEAS CORPUS FOR MISA DETAINEES DURING THE EMERGENCY AND HENCE HAD SHOWN A POLITICAL COMMITMENT TO MRS. GANDHI'S REGIME. BHUSHAN REPORTEDLY CANVASSED OTHER SUPREME COURT JUSTICES, THE CHIEF JUSTICES OF THE HIGH COURTS AND MEMBERS OF THE SUPREME COURT BAR ASSOCIATION AND THE CON-SENSUS WAS THAT THE SENIORITY RULE SHOULD BE FOLLOWED IN CHANDRACHUD'S CASE. THE GOVERNMENT DECISION HAS BEEN WELCOMED IN THE PRESS AND BY SUPREME COURT LAWYERS.

3. YESHWANT VISHNU CHANDRACHUD, WHO WILL BE 58 IN JULY, IS LIKELY TO HAVE A LONGER TERM (OVER SEVEN YEARS) THAN ANY PREVIOUS CHIEF JUSTICE BEFORE HE REACHES THE MANDATORY RETIREMENT AGE OF 65. BORN IN POONA (MAHARASHTRA), CHANDRACHUD HAD BRILLIANT ACADEMIC CAREER AT BOMBAY UNIVERSITY BEFORE BECOMING AN ADVOCATE BEFORE THE BOMBAY HIGH COURT IN 1943. HE ALSO LECTURED AT THE GOVERNMENT LAW COLLEGE OF BOMBAY FROM 1949 TO 1952. HE WAS APPOINTED A JUDGE OF THE BOMBAY HIGH COURT IN 1961 AND WAS NAMED TO THE SUPREME COURT IN AUGUST, 1972.  
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4. COMMENT: THE CHIEF JUSTICE'S ROLE IS IMPORTANT IN THAT HE CHOOSES THE JUDGES WHO WILL CONSTITUTE THE BENCHES IN INDIVIDUAL CASES AND THUS IS ABLE INDIRECTLY TO INFLUENCE THE OUTCOME.  
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